

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 12, 1998**

## DIVISION TWO

B110744 People (Not for Publication)

V.  
Johnson

### The Court:

The judgment is modified by vacating the finding that appellant served a prior prison term within the meaning of Penal Code section 667.5, subdivision (b), for the conviction for possession of cocaine in *People v. Johnson* (Super. Ct. L.A. County, 1993, No. TA023954) and by striking the one-year enhancement imposed for that prior conviction. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting that the judgment has been modified to a term of 25 years to life, enhanced by two consecutive 1-year terms under Penal Code section 667.5, subdivision (b), and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Fukuto, J., Nott, J.

## DIVISION THREE

B110789 People (Not for Publication)

v.  
Walter James Baker

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

May 12, 1998-Continued

### DIVISION THREE (Continued)

B113303      People      (Not for Publication)

V.

Hosea X. Wilson

Judgment affirmed.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

B112817      People      (Not for Publication)

V.

Silvio E. Ruiz

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Goodman, J. (Assigned)

B113359 People (Not for Publication)

V.

Rudolfo A. Zuniga

Judgment affirmed.

Aldrich, J.

We concur: Klein, P.J.

Goodman, J. (Assigned)

### DIVISION THREE (Continued)

B113422      People                                  (Not for Publication)  
v.  
Gerardo Marichal

The judgment in Case Number BA124715 is modified by imposing a sentence of one-third the mid term as to count I, or one year and four months, to run consecutively with the sentence in Case Number SA020609. The abstract of judgment in Case Number SA020609 is modified to reflect a credit of 365 days as to count I plus 92 days as to count II for a total of 456 days. In all other, respects, the judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION FOUR

B079390 Klein (Not for Publication)  
v.  
Sensor Systems

The judgment is affirmed with respect to the defamation claim. The judgment is reversed with respect to the claim of tampering with evidence. The case is remanded for the trial court to make an appropriate award under Code of Civil Procedure section 128.5. On remand, the trial court also is to determine whether its credibility determinations with respect to appellants' other claims are affected by our conclusion that the alterations were intentional. The court may, in its discretion, elicit additional evidence on that issue. If it concludes the deliberate tampering alters its credibility determinations, it may, at its discretion, order a new trial on appellants' other claims or enter a new judgment. If it concludes that its credibility determinations are unaffected, it shall reinstate its earlier judgment except with respect to the section 128.5 sanctions. Each party to bear its own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

May 12, 1998-Continued

## DIVISION FOUR (Continued)

B106172      Watson                    (Not for Publication)  
v.  
Fisher

The judgment is reversed as to the first and third causes of action, and the case remanded for further proceedings consistent with this opinion. Each side is to bear its own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B108557 People (Not for Publication)  
v.  
Givens

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Czuleger, J. (Assigned)

B102901 People (Not for Publication)  
v.  
Osewe

The judgment is affirmed.

Hastings, Acting P.J.

We concur: Baron, J.  
Czuleger, J. (Assigned)

May 12, 1998-Continued

## DIVISION FOUR (Continued)

B106077 People (Not for Publication)  
v.  
Elias

The matter is remanded for resentencing and for compliance with subdivision (b) of Code of Civil Procedure section 237 in accordance with the directions expressed in this opinion. In all other respects, the judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Czuleger, J. (Assigned)

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and J. Belcher, Deputy Clerk.

Each of the following:

B116497 People v. Pena  
B115297 People v. Carter  
B112953 People v. Daniels  
B112061 People v. Martinez  
B113561 People v. Contreras  
B114027 People v. Guevara  
B107216 Davis v. Paramount Pictures  
B111814 Nguyen v. Raging Waters

Argument waived, cause submitted.

B113963 Celilia Milagros Cordero-Shaw  
B117088 v.  
Von Dippe

Merits:  
Argued by Matthew S. Levinson for respondent. Appellant waived argument. Cause submitted.

DIVISION FIVE (Continued)

B091198 Linda Trotter et al.  
v.  
General Motors Corp.

Merits:

Argued by David J. Hart for appellants and Philip R. Cosgrove for respondents. Cause submitted.

B112287 The People  
v.  
Phillip Grant

Merits:

Argued by Susan K. Keiser for appellant and by Juliet H. Swoboda, deputy attorney general, for respondent. Cause submitted.

B113493 NPI Medical Group  
B114190 v.  
State Compensation Insurance Fund et al.

Merits:

Argued by John E. McDermott for appellant and by Frank Falzetta for respondents. Cause submitted.

B115492 The People  
v.  
Wesley B.

Appearances:

Jeff Price for appellant and Deborah J. Chuang for respondent. Argument waived, cause submitted.

DIVISION FIVE (Continued)

B113296      Roy Chen et al.  
                  v.  
                  The Franchise Tax Board

Merits:

Argued by Herbert A. Levin, deputy attorney general, for appellant and by Robert N. Duran for respondents. Cause submitted.

B111267      The People  
                  v.  
                  Basil Sinclair

Merits:

Argued by Marilyn G. Burkhardt for appellant and by Herbert S. Tetef, deputy attorney general, for respondent. Cause submitted.

B113556      Marvin Cobb  
                  v.  
                  University of Southern California

Merits:

Argued by Samuel Reece for appellant and by Al Latham, Jr. for respondent. Cause submitted.

Court recessed at 11:10 A.M.

Court reconvened at 11:15 A.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B111172 People v. Curl, Winzer and Doyle  
B115238 People v. Conley  
B116021 People v. Gant  
B108424 People v. Gonzalez  
B115839 People v. Winn  
B111680 People v. Gordon

Argument waived, cause submitted.

B111549     People  
              v.  
              Tony Lara

Merits:

Argued by Sung P. Park for appellant and by Susan Diamond, deputy attorney general for respondent. Cause submitted.

B114023     People  
              v.  
              Anthony Davis

Merits:

Argued by Michael Nava for appellant and by Elaine F. Tumonis, deputy attorney general for respondent. Cause submitted.

Court recessed at 11:25 A.M.

Court reconvened at 1:05 P.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.



DIVISION FIVE (Continued)

B112166 Kern F. Osterstock et al.

v.

Farmers and Merchants Bank of Long Beach et al.

Merits:

Argued by E. Todd Trumper for appellants and by Michael Leight for respondents. Cause submitted.

B112944 Marc Lafer

v.

Cheryl Becker

Merits:

Argued by Marc Lafer in propria persona and by James Rogers for respondent. Cause submitted.

B108919 Ronald Hood

v.

John J. Wagner et al.

Merits:

Argued by J. Peter Fiske for respondents. No appearance for appellant. Cause submitted.

B103341 County of San Bernardino et al.

v.

State Dept. of Health Services et al.

Merits:

Argued by James R. Kalyvas for appellants and by Karen L. Fried, deputy attorney general, for respondents. Cause submitted.

DIVISION FIVE (Continued)

B114148 Warehouse Processing Etc. Workers Union  
v.  
Hugo Neu Proler Company et al.

Merits:

Argued by James G. Varga for appellants and by Michael S. Turner for respondents. Cause submitted.

B114439 Peter Kudrave Associates et al.  
v.  
County of Los Angeles

Merits:

Argued by C. Peter Anderson for appellants and by Elwood Lui for respondent. Cause submitted.

Court adjourned at 2:50 P.M.

DIVISION SEVEN

B109067 Gordon  
v.  
Northbrook Property and Casualty

Filed order modifying opinion. (No change in the judgment.)